

REMARKS

This is in response to the Office Action dated August 30, 2004.

Claims 38 – 61 remain pending in this application. No claims were amended or canceled.

§102 Rejection of the Claims

Claim 43 was rejected under 35 USC § 102(e) as being anticipated by Rajasekhar et al. (U.S. Patent No. 6,249,701, hereinafter “Rajasekhar”).

Applicant respectfully traverses the rejection and submits that Rajasekhar does not provide the recited subject matter. For example, Applicant is unable to find, among other things, that Rajasekhar teaches or suggests a depolarization circuit coupled to an output of a sense amplifier having an input coupled to one of a first electrode and a second electrode through a switch, and adapted to detect cardiac depolarizations sensed at one of the first and second electrodes due to pulses delivered by the pulse circuit through the first electrode, as recited in claim 43.

Application respectfully submits that the Office Action has not established a *prima facie* case of anticipation. For example, the Office Action states that “Figure 2 of the ‘701 patent shows ... a depolarization circuit 230 that detect depolarization in the heart, such as fibrillation or tachyarrhythmia.” However, the Office Action does not assert, among other things, a depolarization circuit that is adapted to detect cardiac depolarizations sensed at one of first and second electrodes due to pulses delivered by a pulse circuit through the first electrode, as recited in claim 43. Applicant is unable to find in Rajasekhar any teaching or suggestion that its element 230 is such a depolarization circuit.

Applicant respectfully requests reconsideration and allowance of claim 43.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 38 – 42 and 48 – 61.

Claims 44 – 47 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant believes that claim 43 is patentable as discussed above. Therefore, it is believed that claims 44 – 47 are also patentable.

Applicant respectfully requests reconsideration and allowance of claims 44 – 47.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

QINGSHENG ZHU ET AL.

By their Representatives,

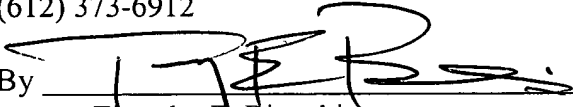
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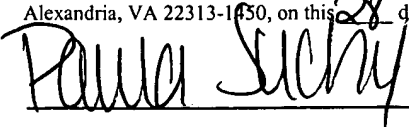
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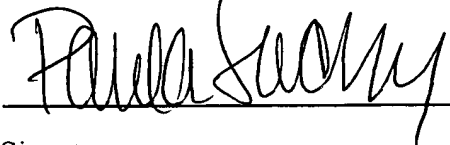
Date Oct. 28, 2004

By 
Timothy E. Bianchi
Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of October, 2004.



Name



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